
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

DAMETRIA NEVELS,

Plaintiff,

v.

ROLLIN COOK, in his official and
individual capacities; KENNETH SIO, in his
official and individual capacities; and JOHN
DOES 1-10,

Defendants.

**MEMORANDUM DECISION AND
ORDER**

Case No: 1:19-cv-00058-DB

District Judge Dee Benson

Before the court is Defendant Rollin Cook's Motion to Dismiss. (Dkt. No. 16.) Plaintiff failed to timely file an opposition memorandum, and the briefing period on the Motion has ended. The court has considered the facts and arguments set forth in the Motion and issues the following Memorandum Decision and Order.

DISCUSSION

Plaintiff has brought this action seeking damages for an alleged assault at a juvenile detention facility. Defendant Rollin Cook was the executive director of the Utah Department of Corrections at the time of this alleged assault. (Dkt. No. 2, ¶ 8.)

Under Utah law, the Utah Department of Human Services is responsible, through the Division of Juvenile Justice Services, "for all youth offenders committed to the division by juvenile courts for secure confinement." Utah Code Ann. § 62A-7-102; Utah Code Ann. § 62A-7-104. The Utah Department of Corrections, on the other hand, is charged with operating secure correctional facilities for the incarceration of non-juvenile offenders. Utah Code Ann. § 64-13-14. The Utah Department of Human Services does not have authority over the Utah Department of Corrections. Utah Code Ann. §62A-1- 105(2).

Here, the alleged assault occurred at Weber Valley Detention Center, a juvenile facility operated by the Utah Department of Human Services. As the executive director of the Utah Department of Corrections, Defendant Cook did not act under color of state law in this action, and Plaintiff has thus failed to state a claim against him.

CONCLUSION

For the foregoing reasons, Defendant Rollin Cook's Motion to Dismiss (Dkt. No. 16) is GRANTED. Rollin Cook is hereby dismissed as a Defendant from the Complaint with prejudice.

DATED this 26th day of February, 2020.

BY THE COURT:

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

Dee Benson
United States District Judge